MR. N. NARAYANA KURUP: My point is that the matter was interpellated by several members. The Director of Public Instruction declared in unequivocal terms that orders have already been passed before the matter was raised in the papers.

PRESIDENT: Is that so?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: Yes, Sir, action had already been taken long before the members referred the matter to Government.

MR. M. SIVATHANU PILLAI: Then, may I know whether an honourable member of this House can take upon himself the credit for having achieved a particular object in a matter where Government have passed the necessary orders long before the matter was mooted and unequivocally declared on the floor of the house?

PRESIDENT: I do not think this can be raised as a matter of privilege. After question time question of privilege can be raised only when there is disrespect to the House involved in a particular statement. For instance, there are some professions as that of a doctor or a lawyer where professional rules have to be observed. One cannot publish what a doctor or a lawyer may be able to do or can do. So far as legislators are concerned as they are the representatives of the public they can publish statements provided they are accurate and there is absolutely no harm in a legislator trying to educate the public in what has been done or what can be done. One should see that no inaccuracy creeps in the publication of facts.

MR. PADIYARA JOSEPH KUNJU: ഇതു് ബഹുമാനപ്പെട്ട മെംബറിന്റെ പരിശ്രമഫലമായിട്ടല്ല ഉണ്ടായതെന്നും അതിനുമുമ്പുതന്നെ ഉണ്ടായതാണെന്നും ഗവണ്മെന്റു് സഭയെ ഗ്രഹിപ്പിക്കുമോ?

PRESIDENT: This debate will make it clear.

NEW MEMBER.

Dr C. C. John took the oath and signed the rolls:—

Legislative Business.

THE TRAVANCORE MOTOR VEHICLES BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Legal Remembrancer*): Sir, I rise to present the report of the Select Committee appointed to consider the Travancore Motor Vehicles Bill and beg to move that the Bill, as revised by the Select Committee, be taken into consideration.

MR. E. G. SALTER: Sir, I second the motion.

The question that the Bill be taken into consideration was put and carried.

Clause 1.

MR. K. G. GOVINDAN: Sir, I beg to submit that the amendment to clause 1 may be considered after the subsequent amendments have been considered and resolved upon by this House for a particular reason.

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MR. PUTHUPALLI S. KRISHNA PILLAI: I submit that there is no necessity for that because there is only one amendment to clause 1 and that is the one proposed by the honourable member himself, and as to whether it has to stand or not can be decided on its merits.

PRESIDENT: There is no objection to consider the amendment to clause 1 later on.

Clauses 2 to 79.

The question that clauses 2 to 79 do stand part of the Bill was put and carried.

The clauses were added to the Bill,

Clause 79.

MR. K. G. GOVINDAN: Sir, I move the following amendment:— Add the following as clause 80 and renumber the subsequent clauses:—

"No passenger shall stand or be allowed to stand in a public service vehicle in motion."

Year after year, during the discussion on the budget we are having a lot of discussion about the inconvenience caused to the public due to over-crowding in transport buses. One of the reasons given by the Director of Transport is that there is no power vested in the conductor to check over-crowding. There is in fact no law in force which would allow a conductor to check over-crowding. It is to vest the conductor with that power, I have brought forward such an amendment. It is the primary object of this amendment to see that no passengers shall stand or be allowed to stand in a transport bus in motion and if anybody does such person should be punished. According to this amendment, both the passenger who stands and the conductor who allows him to stand, are liable.

PRESIDENT: Does the honourable member know that all over India passengers are standing in transport vehicles. That is the case in Madras, Bombay and other places. Even in England, I think, such a system is allowed.

MR. E. G. SALTER: That practice exists in England.

MR. K. G. GOVINDAN: In this House, there was a lot of discussion about over-crowding and one of the reasons stated by the Director was the absence of law on the subject.

MR. PUTHUPALLI S. KRISHNA PILLAI: No member said like that in this House. On the other hand, standing is allowed.

PRESIDENT: The question was raised here whether under certain circumstances over-crowding could be prevented because of the absence of any law. The absence of such a law was deplored.

MR. K. G. GOVINDAN: That is one of the means of checking over-crowding. There was a lot of discussion about over-crowding during the budget session and also about the fact that people are allowed to stand while buses are in motion. I am sure every honourable member

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[Mr. K. G. Govindan.]

who participated in the discussion was sincere when observations were made about the inconvenience caused by the standing passengers. I also submit that this is the time to make the necessary amendments in the Bill. I appeal to the honourable members that if they do not make the necessary changes in the Bill now, there is absolutely no point in indulging in elaborate discussions during budget time about over-crowding and the standing of passengers when a bus is in motion.

MR. M. R. NARAYANA PILLAI: Is there no provision in this Bill for stopping over-crowding?

PRESIDENT: There are ample powers. The point is while there are provisions for stopping over-crowding there are no provisions to implement over-crowding except by standing.

MR. K. G. GOVINDAN: My only point is that over-crowding should not be allowed in transport buses. With these observations I move my amendment for the consideration of the House.

MR. K. KUNJU PANICKER. I second it.

MR. N. NARAYANA KURUP: Sir, I support the amendment. The meaning of the word 'overloading' after the introduction of the Transport Service in the State, has undergone a change. The other day it was explained that overloading means the carrying of weight in excess of the weight licensed to be carried by the vehicle. By this interpretation, then, the private buses that take passengers over and above the licensing capacity are considered as overloading now. In other words, if a private bus is licensed to carry 20 persons and if it carries 21, then it is overloading. Under the same condition, if a Transport Bus carries passengers in excess of its licensed number, then it is also overloading. But in Transport services, it is not taken as overloading; but only as over crowding. Thus two different interpretations are adopted for one word in two cases.

MR. PUTHUPALLI S. KRISHNA PILLAI: May I remind the honourable member that by this Bill we propose to repeal the existing law and put it on a firmer basis. The expression that gives room for ambiguity is to be scrupulously avoided, that is to say, hereafter the expression 'over crowding' alone will occur and not 'overloading' except where the passenger vehicle carries goods also.

MR. N. NARAYANA KURUP: The meaning for overloading must be considered in this case. It is sometimes, in the case of private buses, interpreted as the excess number of passengers carried in a vehicle over the licensed number of passengers allowed by the authorities. But in the case of Transport Buses, such a case is counted as only over-crowding, even if the number of passengers exceeds the number that could be taken. Now it is stated by the authorities that there is not sufficient number of seats to accommodate the excess passengers and therefore that should be construed as over-crowding, which is necessary on some occasions. This House might remember the remarks

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made by the honourable member Mr. Kainikkara Padmanabha Pillai last year about the fifth column hanging in the Transport Buses. If that is not over-crowding,or overloading,this hanging column is a menace to the travelling public. Therefore, an amendment like this is essential. Why should there be the arrangements of seats for accommodating passengers and then a certain number allowed to stand for want of seats? Allowing persons to stand in between the seats where the passengers are seated, causes great difficulty to move the limbs; getting out and getting in also becomes difficult.

If the law is very particular to have over crowding there need be only one kind of seating accommodation, namely, floor accommodation, where it may be possible for a good number of passengers to find room. This will remove the over-crowding in between the sitting passengers. Anyway, Sir, over crowing and overloading should be avoided. Government should be very particular not merely to get money from the travelling public but they must look to the convenience of the public also. A provision may be incorporated by which this sort of over-crowding is no longer allowed and I trust that they will make it penal. With these observations I support the amendment.

MR. M. R. NARAYANA KURUP: Is it not possible to punish over-crowding in a Transport Bus?

MR. N. NARAYANA PILLAI: There is no provision for meeting out such punishment in the present Bill.

MR. E. G. SALTER: I am rather surprised that one or two honourable members of this House still insist on the question of over-crowding in Transport Buses. In the first instance, in objecting to the amendment I would respectfully draw the attention of the honourable mover to clause 64 (2) (i) in the proposed Motor Vehicles Bill which says that Government may make rules under this chapter to determine "the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried." However, in the drafting of the Rules, I have no doubt that Government will be influenced to a considerable extent by the wishes of the honourable members of this House. It would be somewhat surprising if a regulation prohibiting standing passengers totally comes into force as it will be the only country in the whole world that possesses such a rule, a country which unfortunately lacks the alternative facilities which are available in other countries. Means are not readily available for dealing quickly with break-downs and accidents, and yet we are asked to introduce a rule such as this. May I quote an example? If a bus operating between Kottarakara and Shencottah, the frequency of which is one in three hours, breaks down near Shencottah and if this rule is given effect to, the passengers in that bus would not be permitted to get into the next bus which comes three hours afterwards. The passengers in the broken down vehicle would have to wait for $8\frac{1}{2}$ hours, *i. e.*, till another bus comes from Kottarakara. That will be the result of the rule sought to be introduced in the State Transport Service which is considered to be started for the convenience of the public.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. M. SIVATHANU PILLAI: May I know whether the member realises that in such cases people can sit on the floor of the bus rather than stand in the bus?

MR. E. G. SALTER: That appears to me to be an ambiguity which, I am sure, the honourable member who moved the amendment did not mean.

I am merely endeavouring to point out that the difficulties referred to by the mover of the amendment do not appear to exist in respect of the passengers who occupy the seats and those passengers who like to stand do so for their own convenience. I would suggest that if this rule is given effect to it must seriously affect the public convenience and very great inconvenience to the public would arise for which the Transport Department would find itself powerless to find a remedy.

MR. K. KUNJU PANICKER: May I know whether the member is aware that standing arrangement is allwed only after the crowding of the sitting arrangement in the buses?

MR. E. G. SALTER: The only circumstance under which passengers are likely to stand when seats are available is, according to the member's own interpretation, the unpleasant situation arising from sitting for a long time.

In any event I would very strongly urge upon the honourable members to give very careful thought to the subject. If we are not prepared to carry anybody more than the number for which seats are available then very grave inconvenience will result.

I will give just another instance. A number of people about 25 in number presented themselves to get into a transport bus in Pandalam a few days ago. That bus was nearly empty and all of them were able to secure accommodation. If another passenger, let us assume, an honourable member of this House, was waiting to come here urgently, he would, if this amendment is passed, find fault with the Transport Department for refusing to carry him. The Department could not possibly have known beforehand that these 25 people were waiting at Pandalam. I ask the honourable members to consider this question very carefully. If the Bill is passed as is sought to be amended then the Department will have definitely to restrict the number of standing passengers. But if the honourable members feel that they may also be put to inconvenience, then I must ask them to consider the matter, and when an unexpected number of the public present themselves for travel not to accuse the Department of operating an insufficint number of vehicles, because the Department for obvious reasons cannot be expected to put into service any number of buses in the anticipation of getting surplus passengers at any one point. The majority of our routes are 40 miles distant and in that distance a large number of people get in and get out of the buses on route. If this rule is given effect to the Transport Department can only operate vehicles in accordance with the normal traffic demands with the result that in extraordinary circumstances the public will be put to very grave and serious inconveniences.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. N. NARAYANA KURUP: May I know whether this law is applicable to the private motor enterprises in the State?

MR. E. G. SALTER: I was always under the impression that the laws in a country are applicable to every-body in that country.

MR. N. NARAYANA KURUP: If a bus owned by private company carries more passengers than it is licensed to carry, may I know whether it is an offence?

MR. E. G. SALTER: Now, it is only in the bill stage. If the Bill becomes law it will be an offence.

MR. N. NARYANA KURUP: May I know whether, according to the law at present on this point, it is an offence or not?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir, it is.

MR. KOTALIL P. ABRAHAM: May I know whether there is provision in the Bill for providing sufficient means to prevent risk of people standing in the vehicles?

MR. PUTHUPALLI S. KRISHNA PILLAI: There are ample powers vested in Government for framing all such safety rules that are found necessary.

MR. K. G. GOVINDAN: If over-crowding is an offence at present, may I know the reason why over-crowding is sought to be not made an offence under this Bill?

MR. PUTHUPALLI S. KRISHNA PILLAI: No one has made such an attempt.

The honourable member's proposed amendment is highly objectionable and has to be opposed. I oppose it not because I want passengers to be standing in any vehicle or for that matter in the Government Transport Bus. This Bill is based on the British Indian Motor Vehicles Bill. I may be permitted to state here that for the efficient working of the Motor Vehicles Law throughout India the Government of India considers that it is necessary that in all the Indian States the law relating to Motor Vehicles should, as far as possible, be on a parallel line with the British Indian Motor Vehicles Act. It is only on that condition that it would be possible to enter into inter-statal arrangements regarding recognition of licences, issue of permits, etc. The Government of India is particular that other States should not make any departure from the provisions contained in the British Indian enactment.

MR. K. KUNJU PANICKER: May I know from the member whether he means that we have only to go through the formality?

MR. PUTHUPALLI S. KRISHNA PILLAI: No.

PRESIDENT: Has the honourable member considered this contingency? Supposing a bus starts from Tinnevelly and comes to Trivandrum and in that bus some people are standing all the way up the borders of Travancore. Are they liable to be prosecuted the moment they enter the borders of Travancore?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PUTHUPALLI S. KRISHNA PILLAI: It is not that we should go through a formality. In order that we ourselves may get the benefits arising out of the British Indian Law it is necessary that we should not make any great departure from the British Indian Law. That is one thing. It must be realised that if we make a departure it is likely that none of our permits will be allowed and licences accepted in British India. There is express provision that it is open to British Indian Government not to give recognition to our permits or allow our buses to be run in British India if they are satisfied that the law here does not conform to the law prevailing in British India. Considering the peculiar conditions of Travancore we have to seriously consider whether we can go without a provision in our Motor Vehicles Act similar to that in the British Indian enactment. I would invite the attention of the honourable members of the House to clause 79 which says:—

> "No person driving a motor vehicle shall allow any person to stand or sit or anything to be placed in such a manner or position as to hamper the the driver in his control of the vehicle."

This safety provision is made in the Bill itself. Mr. M. Sivathanu Pillai raised the question whether, if standing is prohibited, any number of persons can be allowed to sit or lie in the bus. If, by 'standing', the member means standing in such a way as to cause no harm to the person standing, that I can understand. But the member's object appears to be to prevent over-crowding in buses. If that is so, I can very well state that there are ample provisions in the Bill to prevent over-crowding.

MR. M. SIVATHANU PILLAI: Suppose, for example, a passenger, on account of sitting in the bus for hours together, stands up for a few minutes for the purpose of relaxation, will it not be punishable?

MR. PUTHUPALLI S. KRISHNA PILLAI: Moreover, where is the standing allowed? It is only in buses so constructed as to allow standing space. The private owned buses with which we were familiar were so constructed as to allow no standing space. A passenger who attempts to stand in such a bus will knock his head against the top or be pulled down by the man who sits behind. Is it humanly possible to stand in any of those buses? A Transport Bus, is more spacious.

MR. N. NARAYANA KURUP: May I know from the honourable member whether it is not possible to stand on the foot-board of the bus?

MR. PUTHUPALLI S. KRISHNA PILLAI: There is express provision that no one shall be allowed to stand on the footboard.

MR. N. NARAYANA KURUP: That is not the question. It is whether it is not possible to stand in a bus.

PRESIDENT: Order, Order.

MR. PUTHUPALLI S. KRISHNA PILLAI: There is no question of misunderstanding. So far as my statement is concerned, the rule now in existence is that no one shall stand on the footboard. The rule, that is to be followed hereafter, is also that no person shall stand on the footboard. The rule now is and the rule that is to be followed hereafter, relating to standing, is that no

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one shall stand so as to be dangerous to the driving of the vehicle. Suppose 10 or 15 persons are standing in a bus. If, in such a position, any sudden application of the break would throw all these passengers over the diver's head, then such a thing would not be allowed. For this purpose, ample powers are reserved with Government to frame proper rules. I may also be permitted to state that there is a lot of dispute or misunderstanding about the expression 'overloading', that has come into vogue under the existing Motor Vehicles Rules. The question of 'overload' or the expression 'overloading' will hereafter be applicable only to goods-vehicles where the particular space allowed is determined. In regard to public passenger vehicles, provision is contained in the Act, namely, to determine the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried.. Public passenger vehicles and stage carriages will hereafter be checked on the basis of the rules prescribed under this clause [64 (2) (i)]. It will always be determined with reference to the number of passengers. The next rule says " (j) the conditions subject to which goods may be carried on stage and contract carriages, partly or wholly in lieu of passengers." That also will be taken into account. Where a driver is driving in accordance with the rule framed under clause 64 (2) (i), there is no question of overloading or over-crowding.

MR. K. C. KARUNAKARAN (*Nominated*): May I know whether he has any objection to specify the maximum number of passengers?

MR. PUTHUPALLI S. KRISHNA PILLAI: That is what will be prescribed. Whether it is standing or sitting, that will be determined with reference to the rules made under the above provision. When this provision comes into force, the number of passengers that buses will be allowed to carry will be specified.

Section 66 (2) reads"..... rules may be made..... either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances namely -

(b) seating arrangements in public service vehicles and protection of passengers against the weather;....."

There is power to frame rules for the purpose also, and the rules framed under clause (1) will determine in respect of each bus the number of persons that it can carry. Whether a passenger is to sit in the bus or squat on the floor or stand for some time all that will be covered by the rules framed therein. The capacity of a passenger vehicle will be determined with reference to the number of passengers it can carry and that will be determined by the rules. The total prohibition on the lines suggested by the honourable member is unnecessary and in my opinion inadvisable. If the honourable member thinks that no person should be allowed to stand in the Transport vehicle and out of deference to the wishes of the honourable member, Government would be prepared to concede that why should we want to import into our Act a provision which will be inconsistent with the provision of the

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[Mr. Puthupalli S. Krishna Pillai.]

British Indian Act and which will attract the attention of all the other Governmen s? Is it not possible for the honourable members to make themselves felt and to induce Government or compel Government to adopt the views expressed by them, to think as they think, to feel as they feel, and to do what they want? Mr. Salter assures this House that almost every bus running in important cities allows room for standing, that all the buses in Bombay are allowed to carry passengers standing and that all the omnibuses in the London City are taking passengers when they are standing. That is the rule and that is the practice. As honourable members are not familar with it, there appears to be misunderstanding that if standing space is allowed in a bus, any number of passengers may be packed in that bus. That appears to be the reason why the honourable member seems to contend that there must be such a provision. I can assure the honourable member, Sir, that there will be no necessity for that.

MR. K. KUNJU PANICKAR: I know that if persons are allowed to stand in the bus, there is a chance of their falling into the laps of those who are seated.

MR. PUTHUPALLI S. KRISHNA PILLAI: There is —

MR. N. NARAYANA KURUP: Suppose after the passing of this law, if a private motor bus carries 20 passengers while it has a licence to carry 30 passengers and the over-crowding capacity is for 30 persons, will it be an offence?

MR. PUTHUPALLI S. KRISHNA PILLAI: When we prescribe that a particular bus shall carry not more than 20 passengers and if the driver carries 21 passengers in that bus, that driver will be prosecuted. It is an offence. Where is the doubt in regard to that matter? If on the other hand only a smaller number is carried, it will not be an offence.

MR. N. NARAYANA KURUP: The loading capacity may be for more persons.

MR. PUTHUPALLI S. KRISHNA PILLAI: Under the rules, that will be the position. If a bus is entitled to carry 30 passengers, there will be seating arrangements for 20 and standing accommodation for 10, that is all. If there is no person who is prepared to stand, that room will be vacant.

PRESIDENT: Order, Order.

MR. M. R. NARAYANA PILLAI: I want to know whether the rules have been published.

MR. PUTHUPALLI S. KRISHNA PILLAI: The rules can be published only after the Bill becomes law.

PRESIDENT: There is apparently some confusion about this matter. The English language has within the last 10 years been enriched by two words straphanger and straphanging. If honourable members will consult a dictionary, they will find that the word 'straphanger' means a person who stands holding by a strap in an omnibus and so

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those two words have come into operation, apparently as a result of the building of certain types of buses by the London Omnibus Company. Speaking with about 25 years' knowledge of what happens in Europe, I can say that in England, France, Germany, Italy and everywhere, this straphanger is a fairly frequent phenomenon. This principle has also been applied in Bombay and Calcutta. There are many reasons why this particular amendment should at this juncture certainly not be pressed. I would appeal to the honourable members to bear that in mind. The Petrol Rationing Scheme comes into force on 15th August. We expect an officer of the Government of India to have a conference with us in the course of a week or 10 days. Practically no vehicles will be able to get petrol without considerable diminution. It may be taken for granted—and I think on the whole that it is a welcome sign—that many private and luxury vehicles will have to lessen their itinerary. Except for urgent purposes, permits will not be given by Government to those who are using vehicles for what may be called merely luxury purposes. In all probability in a very short time it will be more difficult for petrol running buses to ply than now and if at this time we make it a rule that, even before the substitution by charcoal gas of our own public vehicles, there will be no permission to stand not only shall we be introducing a rule, the like of which is found nowhere else, but we shall make for tremendous inconvenience to the prospective passengers from next week onwards.

The question that clause 80 do stand part of the Bill was put and carried.

Clause 80 was added to the Bill.

Clauses 81 to 129 and Schedules.

The question that clauses 81 to 129 and the schedules and forms do stand part of the Bill was put and carried.

The clauses and schedules and forms were added to the Bill.

Clause 1.

PRESIDENT: The question that clause 1 do stand part of the Bill was put and carried.

Clause 1 was added to the Bill.

Title and Preamble.

The question that the title and the preamble do stand part of the Bill was put and carried.

The title and the preamble were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, before I move for the passing of the Bill I beg to move that in sub-clause (1) of Clause 1 for the figure "111" "1117" may be inserted.

MR. E. G. SALTER: I second the motion.

The motion was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I beg to move that the Travancore Motor Vehicles Bill be passed.

MR. E. G. SALTER: I second the motion.

The Motion was put and carried.

The Bill was passed.

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